specified by the updated list the processor includes additional instructions for downloading the corresponding item from the displaced source via the communications link each time the corresponding item is presented to the user.--

47 ~~46-76~~. (New) A system as in claim ~~50~~ 21 wherein the processor includes instructions for acquiring at least some of the media items on a play list selected for execution from the displaced source via the communications link at substantially the same time the corresponding media item is presented.--

48 ~~47-77~~. (New) A system as in claim ~~50~~ 21 wherein for at least some of the media items on a selected play list the processor includes instructions for acquiring the corresponding media item from the displaced source via the communications link each time the corresponding media item is presented.--

49 ~~48-78~~. (New) A system as in claim ~~51~~ 21 22 wherein for at least some of the media items the processor downloads media items from the remote inventory via the communications link at substantially the same time the corresponding media item is presented to the user.--

50 ~~49-79~~. (New) A system as in claim ~~51~~ 21 22 wherein for at least some of the media items the processor downloads the corresponding media item from the remote inventory via the communications link each time the corresponding media item is presented to the user.--

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REMARKS

The present response is being filed in reply to the Official Action dated October 6, 1999, wherein the Examiner rejects all pending claims 30-67. Specifically, claims 30-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al., U.S. Patent No. 5,918,213.

Bernard et al., '213, provides for an automated product purchasing system, which allows customers to preview product samples including **portions** of or **sample cuts** from music tracks prior to making a purchase of the full contents of the title. In the event the user decides to order for purchase a particular title, the actual purchase includes the delivery of a physical item containing the full version associated with the previously provided portion. Correspondingly, contrary to the Examiner's assertions, Bernard et al., '213, fails to provide for the user

management of prestored or modified play lists, including the creation or the editing thereof.

In reviewing the reasoning of the Examiner, the Applicants note several of the comments appear to have been carried over from previous Official Actions and have been erroneously attributed to the newly cited reference in support of the Examiner's arguments. For example, at page 3, lines 3-4, of the Examiner's Official Action, dated October 6, 1999, the Examiner asserts Bernard et al., '213, provides for "an automated method of selecting, in random order, any of the singular cassettes contained within the cassette library ..." at col. 2, line 18. However, Applicants' review of the reference has failed to uncover support in Bernard et al., '213, for such a statement.

Furthermore the Examiner has in several places created a single passage from several separate passages. In connection therewith, several disjoint and incomplete phrases have been joined together in apparent support of the Examiner's reasoning that when considered within their full context become more readily apparent to be non-applicable to the claims of the present application. For example in connection with claim 30, in the Official Action noted above, at page 3, lines 12-14, at least four disjoint phrases spanning lines 43-62, have been combined and quoted. Large clarifying portions of the text, which provide important context for the quoted phrases have been removed.

Specifically, some of the intervening text associated with the first of the four phrases has been omitted. The omitted intervening text identifies the location information as corresponding to where those items can be found in the warehouse (for example, a shelf or bin number). Correspondingly, this additional phrase makes clear that the location information relates to the location of the physical item, like a compact disc upon which an audio recording is reproduced, which in the present example is located in a warehouse. More importantly it is clear the location information does not correspond to an item stored in a database. Consequently, the Examiner's reasoning fails to support the Examiner's conclusions, and claim 30 is not made obvious by Bernard et al., '213.

Similarly with respect to claim 32, several disjoint phrases have been pieced together by the Examiner, and asserted as supporting the Examiner's reasoning. Specific reference is made by the Applicant to the phrase cited by the Examiner "browsing through the

available titles ...", wherein the titles relate to the names of the physical products, like audio compact disks, available for sale. However the phrase "available titles" does not relate to the displayed play lists independent of the sources of the media entries, as provided for in claim 32. Correspondingly, the reasons set forth by the Examiner fail to make obvious claim 32.

In connection with claims 31, 33-37, the Examiner relies upon the reasons articulated in support of the objection to claims 30 and 32. Correspondingly, for the same reasons noted above in connection with claims 30 and 32, claims 31, 33-37 are similarly not obvious.

With regard to claim 38, similar to comments previously noted, Bernard fails to provide for a user station which includes a control program for retrieving and modifying existing entries of a stored list, and the creation of an updated list. Furthermore the Examiner has once again combined several disjoint phrases, in this case from several different claims, in support of the objection. As noted above, such a construction is inappropriate as it fails to accurately depict the context of each of the individual phrases, or provide a motivation through which the features can be combined. Absent further explanation such a combination of disjoint phrases and conclusions drawn therefrom would be inappropriate.

With respect to claim 43, the description of FIG. 19 identifies how the artist information is provided to the user. However Bernard et al., '213, fails to identify any of this information being provided by a media reader, associated with the user station or read **locally** at the user station.

For the same reasons already noted above, and to the extent that dependent claims provide additional structure or steps, claims 39-42, and 44-67 are similarly not made obvious by Bernard et al., '213.

The Examiner has apparently objected to the title. However, the nature of the objection is not clear. Traditionally a title is not commonly referred to as being in dependent or independent form. Further clarification for purposes of appropriately responding is requested. It is possible the Examiner's concern could be addressed via a telephone conference once the nature of the objection is fully appreciated.

Additionally, Applicants had previously submitted an Information Disclosure Statement which was received by the Patent Office June 1, 1998. That Disclosure Statement was

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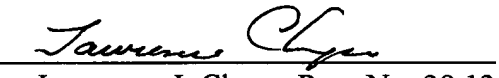
apparently not made of record in the parent hereto. A duplicate copy of the Form PTO-1449 is being provided herewith.

The Examiner, in response to Applicants' previous inquiry, confirmed receipt of the Information Disclosure Statement and consideration of the documents enclosed therewith in a telephone message. It is requested that the Examiner initial in the space provided each of the references cited, acknowledging consideration of each of the cited references.

In view of the foregoing, Applicants submit that the claimed system and method for creating and editing play lists is distinct and nonobvious in view of the cited references. The present amendment does not add any new matter to the application, and the applicants submit that the claims as presently on file, and the new claims presented herein, are in condition for allowance. Accordingly, reconsideration of the claims is earnestly requested.

Respectfully submitted,

BY 

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